

1 **FOX, IMES, & CROSBY, LLC**

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7
8 **UNITED STATES BANKRUPTCY COURT**
9 **DISTRICT OF NEVADA**
10

11 In re:

Case No. 23-14371-NMC

12 Leo Harold Santoro,

Chapter: 13

13 Debtor.

14 Stephanie Santoro, et al.,

Adv. Case No. 24-01004-NMC

15 Plaintiff,

16 vs.

Hearing Date: 08/08/2024

Hearing Time: 9:30 a.m.

17 Leo Harold Santoro, et al.,

**Debtor's Adversary Counsel's Motion to
Withdraw as Counsel**

18 Defendant.

19 Comes Now, Troy S. Fox, of the law firm of Fox, Imes, & Crosby, LLC and
20 petitions this Court to grant this Motion to Withdraw as Counsel. This motion is based
21 upon the attached Memorandum of Points and Authorities, the pleadings and papers
22 already on file with this Court, the attached Affidavit of Counsel, and any oral arguments
23 the Court may accept at the time of hearing.

24 DATED this 28th day of June 2024.

25 **Fox, Imes, & Crosby, LLC**

26 /s/ Troy S. Fox

27 Troy S. Fox

28 Nevada Bar No. 11127

Attorney For Debtor

Fox, Imes, & Crosby, LLC
601 S. 10th St Suite 202, Las Vegas, NV 89101
Ph: (702) 382-1007 Fax (702) 382-1921

POINTS AND AUTHORITIES

I. THIS COURT HAS AUTHORITY TO GRANT AN ORDER ALLOWING WITHDRAWAL BY ATTORNEY IF A CLIENT HAS NOT COOPERATED WITH ATTORNEY.

LR 2014(c) regarding an attorney withdrawal references LR IA 11-6 of the rules of practice for the District of Nevada. LR IA 11-6 provides that:

If an attorney seeks to withdraw after appearing in a case, the attorney must file a motion or stipulation and serve it on the affected client and opposing counsel.

II. FACTS

Mr. Santoro filed his bankruptcy case on October 5, 2023, initially as a Chapter 7 case, but it was converted to a Chapter 13 Case on February 8, 2024. The Debtor was also served with an Adversary Complaint, which was filed on January 4, 2024.

On or about February 20, 2024, Mr. Santoro retained Fox, Imes, & Crosby to represent him solely as Adversary Counsel, as an agreement between Mr. Santoro and his primary bankruptcy counsel could not be reached for the additional representation in the adversary matter.

Fox, Imes, & Crosby filed a Motion to Dismiss, and a Reply to the Opposition to the Motion to Dismiss, which was granted in part, and denied in part. The Plaintiff was provided additional time to file an amended Complaint, which has been filed, and the Defendant was provided additional time to file an Answer to the Amended Complaint. The Answer to the Amended Complaint has been timely filed.

However, the attorney-client relationship between Mr. Santoro and his Counsel has been breaking down. Without disclosing any confidential information or communications, Mr. Fox can represent to this Court that at this time, he no longer believes that he can zealously represent Mr. Santoro as he is required to do under the professional rules of conduct.

1 At this point, there is a status conference pending in this matter. However, as the
2 answer has been filed, the case is essentially in its starting position. At this time, Mr.
3 Santoro has time to make arrangements either with his primary counsel for
4 representation, or to find new representation, or to represent himself moving forward in
5 this matter. Counsel's intent to withdraw has been communicated by e-mail to Mr.
6 Santoro, and this Motion will be served on the same by mail.

7 There are no other pending deadlines or hearing, beyond the status conference
8 currently set for July 11, 2024. Assuming this Motion is not granted before that date,
9 Counsel will cover the same and request the matter be continued.

10 11 II. LEGAL ARGUMENT

12 LR IA 11-6 provides that upon application, the Court may grant an attorney's
13 request to withdraw as long as the attorney has provided notice to the client at the last
14 known address and as long as such withdrawal will not cause and undue delay. The
15 current status check is set for 7/11/24. There are no other pending hearings or matters in
16 the Adversary Matter as of the time this motion is filed. Trial has not been set, nor has
17 there been any agreement regarding discovery deadlines or other matters. Counsels
18 withdrawal at this point will only cause a minor delay in the proceedings, and will not
19 require any hearings beyond the status check to be re-scheduled.

20 21 III. CONCLUSION

22 For the above stated reasons, Adversary Counsel for the Debtor requests this
23 Court Grant its Motion to Withdraw as counsel.

24 DATED this 28th day of June 2024.

25 **Fox, Imes, & Crosby, LLC**

26
27 /s/ Troy S. Fox
28 Troy S. Fox
Nevada Bar No. 11127
Attorney For Debtor

PROPOSED ORDER

Fox, Imes, & Crosby, LLC
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Pl: (702) 382-1007 Fax (702) 382-1921

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

Leo Harold Santoro,

Debtor.

Case No. 23-14371-NMC

Chapter: 13

Stephanie Santoro, et al.,

Plaintiff,

vs.

Leo Harold Santoro, et al.,

Defendant.

Adv. Case No. 24-01004-NMC

Hearing Date: 08/08/2024

Hearing Time: 9:30 a.m.

ORDER ON MOTION TO WITHDRAW AS COUNSEL

The Motion to Withdraw as Counsel, filed by Fox, Imes, & Crosby, LLC having come before this Court at the above captioned date and time, the appearance of Mr. Fox, having been noted and no other parties appearing, the Court having reviewed the motion, the pleading and papers on file with the Court and oral arguments presented at the hearing, good cause appearing:

1 The Court GRANTS the Motion to Withdraw as filed by counsel. Fox, Imes &
2 Crosby are no longer representing the Debtor in the above captioned Adversary Matter.

3 This does not affect the Debtor's representation by the Ballsteadt Law Firm in the
4 primary Chapter 13 Case.

5
6 IT IS SO ORDERED

7
8 Respectfully Submitted by:

9 **Fox, Imes, & Crosby, LLC**

10 /s/ Troy S. Fox

11 Troy S. Fox
12 Nevada Bar No. 11127
13 Former Attorney For Debtor

14 In accordance with LR 9021, counsel submitting this document certifies as follows:

15 ___ The court has waived the requirement set forth in LR 9021(b)(1).

16 ___ No party appeared at the hearing or filed an objection to the motion.

17 ___ I have delivered a copy of this proposed order to all counsel who appeared at the
18 hearing, and each has approved or disapproved the order, or failed to respond, as
19 indicated below:

20 ___ I certify that this is a case under chapter 7 or 13, that I have served a copy of this
21 order with the motion pursuant to LR 9014(g), and that no party has objected to the form
22 or content of the order.

23 /s/ Troy S. Fox

24 Troy S. Fox
25 Nevada Bar No. 11127
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